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POWER TO ARREST TRAINING MANUAL

ROLES AND RESPONSIBILITIES

ISSUED BY

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POWER TO ARREST TRAINING MANUAL

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INSTRUCTOR - EMPLOYER INTRODUCTION

According to Business and Professions Code Section 7545:

- “(a) Every licensee and any person employed and compensated by a licensee, other lawful business or public agency as a security guard or patrol person, and who in the course of that employment or business carries a firearm, shall complete a course of training in the exercise of the powers to arrest and a course of training in the carrying and use of firearms. This subdivision shall not apply to armored vehicle guards hired prior to January 1, 1977. Armored vehicle guards hired on or after January 1, 1977, shall complete a course of training in the carrying and use of firearms, but shall not be required to complete a course of training in the exercise of the powers to arrest. The course of training in the carrying and use of firearms shall not be required of any employee who is not required or permitted by a licensee to carry or use firearms. The course in the carrying and use of firearms and the course of training in the exercise of the powers to arrest shall meet the standards which shall be prescribed by the Department of Consumer Affairs. The department shall encourage restraint and caution in the use of firearms.
- (b) No uniformed employee of a licensee shall carry or use any firearm unless such employee has in his or her possession a valid firearm qualification card.”

Pursuant to Business and Professions Code Section 7545.2(a) and California Code of Regulations, Title 16, Section 687, the Department of Consumer Affairs may approve any person or school to teach the course of training in the Power to Arrest. Licensees and their qualified, designed employees also may administer the course.

This study guide provides the minimum standards of instruction for security personnel. It is a self-instructional course designated to educate the trainee to carry out his or her duties with caution and within the confines of law.

In this document, the masculine gender includes the feminine.

The term “*security guard*” is used throughout the course. However, this training applies to all security guards and alarm agents who are required to register with the bureau. This booklet includes a copy of “*The Responsibilities of the Security Guard*.” Each applicant must be supplied with a copy of this information. Please make sufficient copies to supply one to each applicant.

An applicant must receive a score of 100 percent on the examination in order to successfully complete the course [Title 16, California Code of Regulations Section 687 (b)]. Trainees who fail the final

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examination the first time may restudy their weak areas and try again. If the trainee has difficulty understanding the material as presented in the booklet, you will be expected to offer guidance. This does not mean that you are to provide the answer key along with the booklet, but rather to assist the applicant to understand the questions.

If you are an employer administering the examination, keep in mind that you may be held responsible for your employee's conduct while on duty; therefore, it is in your interest to ensure that they are properly trained. If you are a bureau-approved instructor, you may be held liable for the conduct of those to whom you have provided instruction; therefore, it is in your interest to train the students properly.

These booklets are intended for reuse. Please be sure to caution applicants to refrain from writing in the booklets. You are responsible for making any additional copies.

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STEPS TO ADMINISTERING POWER TO ARREST

Allow each person as much time as needed to finish the examination. Before beginning the examination, determine whether anyone would benefit from having the examination questions read aloud.

1. Explain the reason for “*Power to Arrest*” and that the final score of 100 percent is required before you can sign the security guard registration application. Explain that this is an open-book examination, and that answers may be corrected before being submitted for grading. The course is intended to be a learning experience as well as a guide to understanding.
2. Supply each applicant with pencil and scratch paper as well as a *Power to Arrest* answer sheet. A quiet place should be provided for the examination.
3. Have trainees read through to Question #51. They should read the study material and answer the questions by writing on the scratch paper provided. You may answer any questions that may arise. If you are an employer, you may wish to inform the applicants of your own company policies at this point. Discuss answers.
4. Review the most important points in the text:
 - A security guard is *NOT* a peace officer.
 - A security guard’s primary responsibility is to protect the property or persons he or she is assigned to protect.
 - The main role of a security guard is *PREVENTION*.
 - If prevention is not possible, the role of a security guard is to *OBSERVE and REPORT*.
 - In reporting activity, a *FACT* is an event that actually occurs. A *CONCLUSION* is a belief one reaches as a result of the existence of certain facts.
 - A security guard is an agent of the property owner and can question people on the owner’s property.
 - A security guard may prevent someone from entering private property by standing in his way.
 - A security guard shall never touch an employee’s belongings when inspecting them.

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- A security guard's power to arrest is the same as any other private person's.
- *CRIMINAL LIABILITY* refers to criminal penalties that can be imposed for a wrongful act. For example, carrying a loaded weapon concealed in your jacket is a violation of the Penal Code; the criminal penalty for the offense is a fine or jail sentence or both.
- *CIVIL LIABILITY* refers to penalties arising from lawsuits that private persons bring against each other.
- A security guard's registration card does not allow the security guard to carry a weapon. It is *ILLEGAL* to carry a firearm without a firearm permit and a valid security guard registration. It is *ILLEGAL* to carry a baton without a baton permit and a valid security guard registration.
- Negligence and law violations by a security guard may cause the employer and the client to be held *CIVILLY* responsible.
- A security guard *IS NOT OBLIGATED* by law to make an arrest. When he does make an arrest, it is called an arrest by a private person commonly known as a citizen's arrest (Penal Code Section 837).
- A misdemeanor is generally a crime for which the offender can be fined and/or sentenced to county jail for a period not to exceed one year. In order for a security guard to make a proper misdemeanor arrest, it is necessary that the security guard actually sees or witnesses the misdemeanor offense committed or attempted in his presence.
- A felony is generally a crime for which the offender can be sentenced to state prison for a period exceeding one year or in the case of a capital offense executed. In order for a security guard to make a proper felony arrest, a felony must have been committed, and the security guard must have *REASONABLE CAUSE* to believe the person being arrested committed the offense.
- An arrested person is called a *SUSPECT* until the court finds him innocent or guilty.
- A security guard making an arrest must tell the suspect of the *INTENTION* to arrest, the *CAUSE* for the arrest, and the security guard's *AUTHORITY* to make such an arrest.
- *REASONABLE FORCE* in an arrest situation is a degree of force reasonably needed to detain an individual and to protect oneself.

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- If a suspect does not feel free to walk away because of a security guard's statements and actions, he may claim to have been under arrest.
 - A security guard should never touch a suspect except for self defense, or when necessary to use reasonable force in effecting an arrest.
 - A security guard may search for *WEAPONS ONLY* and may search only when he has cause to believe that the arrested person is armed.
 - A suspect *MAY NOT* be legally searched for weapons until he is actually arrested.
 - If contraband or stolen items are discovered while searching for weapons, those items should be left on the suspect, unless there is a likelihood the suspect will dispose of them. When the suspect is turned over to the peace officer, he should be notified of the discovered items.
 - If a private citizen has made a lawful arrest, the peace officer by law *MUST* take custody of the suspect.
 - The person/security guard who makes an arrest will be recorded as the arresting party.
- 5. Administer the final exam. Have trainees write their answers on the "*Power to Arrest*" answer sheet. If they fail the first time, have them review the material again and correct the answers they missed.
- 6. Have each security guard fill out an application for registration for employment as a security guard or patrol person (or alarm agent). Sign on the "*instructor's signature*" line.
- 7. If applicable, give the pink copy of the application to the security guard to carry until he receives his two-year card. The pink allows the security guard to work for a period of 120 days while the application is being processed. The pink copy should *NOT* be given to the applicant if he or she answered yes to question number 1 on the application.
- 8. Submit the white copy, one set of fingerprints, and the required fee to the bureau within three days of employment.

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THE RESPONSIBILITIES OF THE SECURITY GUARD

As a registered security guard, you have certain responsibilities to the Bureau of Security and Investigative Services.

In order to prevent possible denial or revocation of your registration card it is important that you be aware of the following:

1. You or your employer must submit your application and fingerprint card, along with the required fees. *YOUR EMPLOYER IS NOT OBLIGATED TO PAY THE FEES AND MAY REQUIRE YOU TO PAY IT.* It is your responsibility to see that you or your employer sends the *application and fees* to the bureau for processing *within three (3) working days of employment.*
2. While on duty as a security guard, you are required to possess either a pink copy of the application for registration given to you by your employer or bureau-approved school, or your valid registration card issued by the bureau.
3. Your pink copy of the application for registration allows you to work for a period of 120 days. You can not work after this time if you do not possess your permanent registration card or an extension of your pink copy issued by the bureau.
4. Fingerprint cards are frequently rejected by the Department of Justice and the bureau for being improperly rolled or containing incomplete physical descriptions. If the fingerprint cards are rejected, you may not receive your permanent registration before your pink temporary registration expires. You should contact the bureau for an extension of your pink temporary registration two weeks prior to the end of the 120 day period.
5. You may not carry a firearm without a firearm permit issued by the bureau. You may not carry a firearm if your guard registration is not current even though your firearm permit is current. You may not carry a firearm with a pink temporary registration.
6. Your firearm permit is valid for a one-year period only. Each year you must requalify for a continuation of your firearm permit. You requalify by passing the firearm requalification test, and by qualifying on the range at a bureau-approved firearm training school prior to the expiration of your permit.

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7. You may not carry a baton without a baton permit issued by the bureau. You may not carry a baton if your guard registration is not current even though your baton permit is current. You may not carry a baton with a pink temporary registration.
8. If you move or change your address, you must notify the bureau within 30 days, or you may be issued an administrative fine.
9. If your employer or any instructor encourages you to violate any of the above requirements, you may report him to the bureau in writing.

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THE ROLE AND RESPONSIBILITIES OF THE SECURITY GUARD

PART A

It is important to remember:

As a security guard, you are *NOT* a peace officer!!!

How are security guards *DIFFERENT* from peace officers?

Security guards *do not* have:

- The same job duties as peace officers;
- the same training; or
- the same powers as peace officers, according to the law.

What happens when a security guard *PRETENDS* to be a peace officer?

Any security guard who *pretends* or even implies (lets others think) that he is a peace officer is *committing a crime*. A person who is found guilty of impersonating a peace officer could be punished by a *fine* or *county jail* sentence and his registration may be denied or revoked.

What are security guard's *ROLES AND RESPONSIBILITIES*?

A security guard's role is to *PROTECT* people and property of his employer or contracted clients.

A security guard's responsibility *BEFORE* an incident/offense has occurred is *PREVENTION*.

A security guard's responsibility *DURING* or *AFTER* an incident/offense has occurred is to *OBSERVE* and *REPORT*.

(continued)

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PART A (contd.)

How should security guards **PERFORM** their job?

The major responsibility of a security guard is prevention *BEFORE* an incident/offense occurs. Thus, a security guard should be *highly visible*. By being seen, the guard may discourage anyone who might be considering theft, damage, or personal injury. A security guard's job is *PREVENTION*. To do the job well, the security guard *MUST*:

- be alert
- listen
- watch

What is a sign that a security guard is doing a good job?

The absence of incidents or offenses (crimes) is one sign that a security guard is doing a good job.

What should a security guard do if an incident/offense does occur?

If an offense occurs, a guard *does not charge in*. Instead, the security guard should:

- stay *calm*
- observe and *remember* events
- report to the police/or the security guard's supervisor (fellow employer policy).

AT THE END OF EACH SECTION OF THIS MANUAL, you will be asked several questions to help you **CHECK UP** on how well you UNDERSTOOD and REMEMBERED what you read. You will need:

- An *ANSWER SHEET* for the final examination,
- *PAPER* for answering the check up questions, and
- A *PEN* or *PENCIL*.

Please get these ready. Then go on to the next page for your first *CHECK UP*.

(continued)

(Revised 12/91)

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PART A (contd.)

CHECK UP NO. 1

NOW, on another sheet of paper, answer the following questions:

- Q.1 THE *PRIMARY ROLE* OF A SECURITY GUARD IS TO:
- A. enforce the law.
 - B. protect people and property.
 - C. act like a peace officer.
 - D. arrest law breakers.
- Q.2 A SECURITY GUARD'S ROLE IS THE SAME AS THAT OF A PEACE OFFICER.
- A. True
 - B. False
- Q.3 WHAT IS THE RESPONSIBILITY OF A SECURITY GUARD *BEFORE* AN INCIDENT/OFFENSE HAS OCCURRED?
- A. Detain and punish.
 - B. Stay out of sight.
 - C. Prevent.
 - D. Search and seize.
- Q.4 IT IS *AGAINST THE LAW* FOR A SECURITY GUARD TO:
- A. arrest someone.
 - B. protect property.
 - C. observe and report.
 - D. make someone think he is a peace officer.

(continued)

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PART A (contd.)

AREAS OF RESPONSIBILITY

WHAT IS A SECURITY GUARD'S JOB?

A security guard is assigned to protect specific people and property. This may include detecting some of the same offenses that would cause a peace officer to act, such as a fight or burglary. But it would not include other offenses such as motor vehicle traffic violations or prostitution.

For example, if you were on duty at a plant gate and you observed two teenagers having an auto race down a public road, you would not try to arrest them. You may decide to report it to the police if a telephone is nearby. But you were hired to protect the plant-not to arrest speeders.

(In fact, you should be *suspicious* of any activity that may draw you away from your post. It could be a *plan* to draw your attention away from your duties.)

WHAT IS A PEACE OFFICERS JOB?

Peace officers are law enforcement officers such as Sheriffs and their Deputies, Constables, Marshals, members of city police forces and other officers whose duty is to enforce the law and preserve the public peace. If a law is violated, peace officers are required to pursue and apprehend the person responsible. This is not required of a security guard!

REMEMBER, a peace officer's responsibilities are different from a security guard's responsibilities.

- *SECURITY GUARDS* only protect *specific people and property*.
- *POLICE (PEACE OFFICERS)* protect all people and all property and enforce laws.

(continued)

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PART A (contd.)

WHAT OTHER DUTIES COULD A SECURITY GUARD HAVE?

A security guard may be responsible for maintaining certain *company rules* established by the client (company). These could include:

- requiring employees to show their *badges* when entering the property; or
- inspecting *lunch pails* as employees leave the plant; or
- monitoring *safety standards* and reporting hazards; blocked exits, fire safety, slippery floors, etc.

A guard's supervisor or the client (company) will give him instructions on helping employees observe company rules and policies.

CHECK UP NO. 2

NOW, on another sheet of paper, answer the following questions:

Q.5 YOU ARE STANDING GUARD INSIDE A DEPARTMENT STORE AND YOU OBSERVE TWO MEN COMING OUT OF A BAR ACROSS THE STREET. THEY START TO FIGHT. YOU SHOULD:

- A. go over and try to break up the fight.
- B. call the police if you can remain at your post.

Q.6 YOU ARE HIRED BY A BAR/RESTAURANT AS A SECURITY GUARD. AN ANGRY CUSTOMER REFUSES TO PAY HIS CHECK. YOUR JOB IS TO:

- A. arrest him and everyone in his party.
- B. keep the peace and follow restaurant policy.

COMMENT: Notice the difference between situations in Questions 5 and 6. In Question 5, the fight does not relate to your responsibility at the department store. In Question 6, the customer is in your client's premises. This quarrelsomeness relates to your responsibility to protect the client's property, because a fight could damage or destroy property.

(continued)

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PART A (contd.)

PREVENTION IS THE KEY

The security guard's concern is to protect persons and prevent damage or destruction to property. *PREVENTION* is the key word.

For example, if you spotted some young people trying to climb a fence to enter private property, you should shout at them or turn on the lights. Do anything lawful that would *discourage* their trespassing, don't wait until they cross the fence so you can arrest them.

Another typical situation might be: A person intends to steal from a store, but suddenly sees a uniformed security guard on patrol. The person leaves the store without stealing anything. The guard, simply by being in uniform, has *prevented* a crime.

OBSERVE AND REPORT

If you can't prevent an incident, the proper action is to *observe and report*. You should:

- *observe carefully* and
- *report immediately* to the local law enforcement and/or your supervisor.

SITUATION

BEFORE the incident:

DURING OR AFTER the incident:

SECURITY GUARD'S ROLE

PREVENTION

OBSERVE AND REPORT

(continued)

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PART A (contd.)

GET HELP

If a serious offense, such as *robbery, burglary, or assault with a deadly weapon*, has been committed, *you will need* help to apprehend the suspect.

CALL THE POLICE IMMEDIATELY. Even police who are trained to make forcible arrests are encouraged to call for help in dangerous situations.

Sample situations:

- #1: You are patrolling the grounds of a factory at 2:00 a.m. and see two armed adults entering the stock room. What should you do? (*You should call the police, then observe and report.*)
- #2: While you are guarding a sporting goods store, a man runs out of the store. Ten seconds later, the owner runs to you and says there has been a robbery. What should you do? (*Have the owner call the police, then observe and report.*)
- #3: You are patrolling a store parking lot. A shopper loads Christmas gifts into a station wagon parked in the lot and goes back to do more shopping. The windows of the wagon are open, and three boys are gathered around the station wagon looking in. What should you do? (*You should try to prevent a possible theft by making your presence known.*)
- #4: You are on guard in a jewelry store. An employee showing diamond rings to a customer is called to the telephone. The customer is left alone with the display box of diamond rings. What should you do? (*You should try to discourage a theft by making your presence known.*)